

## Boeglin, Michael

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**From:** Boeglin, Michael  
**Sent:** Tuesday, July 25, 2017 9:53 AM  
**To:** Nathan Moore - CDPHE; greg.naugle@state.co.us  
**Subject:** EPA list of high-priority industrial facilities in CO  
**Attachments:** EPA high-priority facility list for FY18-19\_Industrial NEI.xlsx

Greg and Nathan,

Attached is the list I discussed on the phone. Let me know if you are planning to inspect any of them during this next fiscal year (or before then such as the London Mine Tunnel).

Thanks,  
Mike

Michael Boeglin  
Water Enforcement Program  
U.S. EPA Region 8  
303-312-6250



ST A	SOURCE_ID	REGISTRY_CWP	CWP_NAME	CWP_STREET	CWP_CITY	CWP_STAT	CWP_ZIP	FAC_LAT	FAC_LONG	CWP_PERMIT_T	CWP_PERM
	CO0000003	110055623 08	REVENUE MINE	6208 CR 26	OURAY	CO	81427	37.96667	-107.7333	N	NPDES Indi Effective
	CO0000221	110064608 08	SENECA MINE COMPLEX	37766 RCR 53	HAYDEN	CO	81639	40.44028	-107.1325	M	NPDES Indi Admin Con
	CO0000906	110002051 08	NEW ELK MINE	12250 HWY 12	WESTON	CO	81091	37.14532	-105.0339	N	NPDES Indi Effective
	CO0001163	110033145 08	MILLERCOORS GOLDEN FACILITY	12TH AND FORD STS	JEFFERSON	CO	80401	39.75667	-105.2192	M	NPDES Indi Admin Con
	CO0001244	110006781 08	SCHWARTZWALDER MINE	8300 GLENCOE VALLEY RD	GOLDEN	CO	80402	39.84167	-105.2764	N	NPDES Indi Admin Con
	CO0027707	110002041 08	SWIFT BEEF - LONE TREE	24750 WELD CR 62 1/2	GREELEY	CO	80631	40.44083	-104.5917	M	NPDES Indi Effective
	CO0044776	110008061 08	BOWIE NO. 2 MINE	5 MI NE OF TOWN ON CO HWY 133	DELTA COL	CO	81428	38.93268	-107.546	N	NPDES Indi Admin Con
	CO0045209	110002041 08	LONDON MINE EXTENSION TUNNEL	APX 12M NW OF TOWN/PARK CR 696	FAIRPLAY	CO	80440	39.27203	-106.1494	N	NPDES Indi Admin Con
	CO0048119	110064611 08	GOLDEN WONDER MINE	5 MI SE OF TOWN ON DEADMAN GULCH RD	LAKE CITY	CO	81235	38.00333	-107.2834	N	NPDES Indi Admin Con
	COG500082	110006782 08	PUEBLO EAST PIT	2596 STATE HIGHWAY 96 EAST	PUEBLO	CO	81001	38.23859	-105.0487	M	General Pe Admin Con
	COG605013	110033145 08	GOLDEN FACILITY	12TH & FORD ST	JEFFERSON	CO	80401-0030	39.75667	-105.2192	N	General Pe Admin Con

ATION_DATE	DMR_POU	DMR_TWP	PAST_CAL_	PAST_CAL_	PAST_CAL_	PAST_CAL_	EFF_EXCEE	CWP_E90_	EFEXC_POI	MISS_DMFI	PAST_CAL_	FAC_TRI_S	FAC_TRI_P	CWP_CURI	CWP_QTR	CWP_QTR	CWP_INSP
8/31/2018	210463.8	171.0117	1650.66	140.08	0	36.20849	96	96	7	0				E(EffViol)	7	8	1
10/31/2011	14011613	66.53224		49.87	0	5.893923	3	3	2	0				D(DMR NR)	3	5	2
5/31/2020	51645.65	2.314199	38490.8	1.59	37425.4	0.109964	56	56	7	10				E(EffViol)	2	12	1
4/30/2014	1143708	1433.794	821175.4	1095.28	13039.67	0	10	11	4	0	118600				1	9	1
12/31/2015	243632.9	21.00172	1432.27	12.36	0	1.399566	130	138	8	0				E(EffViol)	12	12	1
11/30/2017	8124294	261.5658	399460	216.43	0	0	15	16	4	0					0	12	2
8/31/2009	5872.324	0.701706	873.08	0.58	0.944341	0	10	12	4	0	0			E(EffViol)	12	12	
1/31/2011	14.49171	0.218016	10.62	0.18	0	0.005309	18	18	4	0				E(EffViol)	9	12	1
1/31/2015	352.3004	0.01336	15.68	0.01	10.90738	0	91	108	7	6				E(EffViol)	4	7	1
6/30/2013	20485394	1260.436	895518.3	945.33				12							0	8	2
6/30/2013	2431173	0	1823380					17			118600				0	8	1

CWP_DATE	CWP_FOR	CWP_DATE	CWP_DATE	CWP_DATE	CASE_IDS	CWP_IMP	ATTAINS_I	DMR_IMP	IMP_POL_I	POLL_IN_V	DWI_15_FI	BEACH_CLI	TRIBAL_FL	CWP_INDI	FAC_FED	EJSCREEN_	MAX_PCTI	SIC_CODES
8/29/2016	1	9/13/2016	9/13/2016						N	Cadmium	N			0	N		N	65.9 1031 1044
9/9/2015						Y	Y	Arsenic	C N	Iron Solids	Y			0	N		N	65.9 1221
9/30/2013	2	#####	#####			Y	Y	Aluminum	Y	Arsenic Ca	N			0	N		N	66.9 1222
2/25/2015		9/5/2001	9/5/2001						N	Fluoride Ir	Y			0	N		N	55.1 2082
8/21/2012	2	3/18/2015	3/18/2015						N	Arsenic Cy	Y			0	N		N	49.9 1094
2/16/2016		6/3/2005	6/3/2005						N	Ammonia	N			0	N		Y	87.7 2011
8/23/2011	1	2/18/2016	2/18/2016						N	Chlorine C	Y			0	N		N	58 1222
6/6/2013	3	8/3/2016	8/3/2016			Y	Y	Arsenic	C Y	Cadmium :	N			0	N		N	59.2 1041
8/20/2013	1	10/2/2014	10/2/2014						N	Copper Iro	N			0	N		N	59.2 1041
7/14/2016						Y	Y	Selenium	Sulfate	Solids, total suspended				0	N		N	56.6 1442
3/7/2013										Solids, total suspended pH				0	N		N	55.1 2082

SIC_DESC	NAICS_COI	NAICS_DESL	SECTOR	ECHO_LINK	PARENT_C	STANDARDIZED_PARENT_COMPANY
Lead And Zinc Ores			Mining	<a href="http://echo.epa.gov/detailed-facility-report?fid=CO0000003">http://echo.epa.gov/detailed-facility-report?fid=CO0000003</a>		
Bituminous Coal And Lignite - Surf			Mining	<a href="http://echo.epa.gov/detailed-facility-report?fid=CO0000221">http://echo.epa.gov/detailed-facility-report?fid=CO0000221</a>		
Bituminous Coal - Underground			Mining	<a href="http://echo.epa.gov/detailed-facility-report?fid=CO0000906">http://echo.epa.gov/detailed-facility-report?fid=CO0000906</a>		
Malt Beverages			Food Manufacturing	<a href="http://echo.epa.gov/d">http://echo.epa.gov/d</a>	MILLERCOORS LLC	
Uranium-Radium-Vanadium Ores			Mining	<a href="http://echo.epa.gov/detailed-facility-report?fid=CO0001244">http://echo.epa.gov/detailed-facility-report?fid=CO0001244</a>		
Meat Packing Plants			Food Manufacturing	<a href="http://echo.epa.gov/detailed-facility-report?fid=CO0027707">http://echo.epa.gov/detailed-facility-report?fid=CO0027707</a>		
Bituminous Coal - Underground			Mining	<a href="http://echo.epa.gov/d">http://echo.epa.gov/d</a>	BOWIE RESOURCES LLC	
Gold Ores			Mining	<a href="http://echo.epa.gov/detailed-facility-report?fid=CO0045209">http://echo.epa.gov/detailed-facility-report?fid=CO0045209</a>		
Gold Ores			Mining	<a href="http://echo.epa.gov/detailed-facility-report?fid=CO0048119">http://echo.epa.gov/detailed-facility-report?fid=CO0048119</a>		
Construction Sand And Gravel			Mining	<a href="http://echo.epa.gov/detailed-facility-report?fid=COG500082">http://echo.epa.gov/detailed-facility-report?fid=COG500082</a>		
Malt Beverages			Food Manufacturing	<a href="http://echo.epa.gov/d">http://echo.epa.gov/d</a>	MILLERCOORS LLC	

## Boeglin, Michael

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**From:** Boeglin, Michael  
**Sent:** Tuesday, August 8, 2017 3:09 PM  
**To:** 'Morgan - CDPHE, Kelly'  
**Subject:** RE: Enforcement topics for meeting

That likely will be the scenario, Kelly. I will let you know if that changes; otherwise we'll just use the polycom.

**From:** Morgan - CDPHE, Kelly [mailto:kelly.morgan@state.co.us]  
**Sent:** Tuesday, August 8, 2017 2:17 PM  
**To:** Boeglin, Michael <Boeglin.Michael@epa.gov>  
**Subject:** Re: Enforcement topics for meeting

Thanks- I forgot the meeting was at CDPHE so if EPA doesn't have anyone that needs to call in there's a polycom in the room I can just have you guys call me.

On Tue, Aug 8, 2017 at 10:29 AM, Boeglin, Michael <[Boeglin.Michael@epa.gov](mailto:Boeglin.Michael@epa.gov)> wrote:

Kelly,

Hi Kelly. Yes, I have a call-in line that I will forward to all participants later today with the agenda.

As for the QNCR discussion, I apologize I didn't send you a facility list earlier. Below is the list of facilities appearing in SNC from the 8/7/2017 QNCR run:

- Del Norte
- Evans
- Harold D. Thompson Regional WW Reclamation Facility
- Longmont
- Pueblo West
- Rocky Ford
- Salida
- Sterling
- Vista

- Woodmen Hills
- Erie North
- Western Sugar – Fort Morgan
- London Water Tunnel
- Seneca Mine

If I don't hear you on the line tomorrow, I will look forward to talking with Eric!

Mike

**From:** Morgan - CDPHE, Kelly [mailto:[kelly.morgan@state.co.us](mailto:kelly.morgan@state.co.us)]  
**Sent:** Monday, August 7, 2017 4:41 PM  
**To:** Boeglin, Michael <[Boeglin.Michael@epa.gov](mailto:Boeglin.Michael@epa.gov)>  
**Subject:** Enforcement topics for meeting

Hi Michael-

I won't be able to attend our meeting in person on Wednesday so I was wondering if you could set up a call in line? Eric Mink from our unit will be attending in person just in case I can't call in.

I was also wondering if you had a list of enforcement topics/ facilities that you would like to discuss so that I can prepare a summary.

Thanks

Kelly

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**Kelly Morgan**

Enforcement Unit Manager





P 303.692.3634

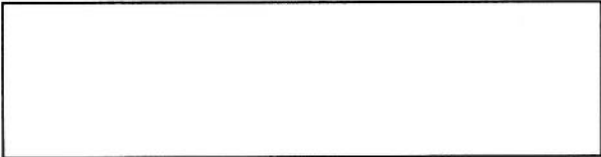
4300 Cherry Creek Drive South, Denver, CO 80246

[kelly.morgan@state.co.us](mailto:kelly.morgan@state.co.us) | [www.colorado.gov/cdphe/wqcd](http://www.colorado.gov/cdphe/wqcd)

24-hr Environmental Release/Incident Report Line: 1.877.518.5608

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**Kelly Morgan**  
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24-hr Environmental Release/Incident Report Line: 1.877.518.5608



## Boeglin, Michael

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**From:** Boeglin, Michael  
**Sent:** Thursday, May 18, 2017 11:17 AM  
**To:** Boeglin, Michael  
**Subject:** FW: QNCR discussion for next Thursday

To file: See notes below on the May 2017 QNCR discussion with the Clean Water Enforcement Unit.

Mike

**From:** Boeglin, Michael  
**Sent:** Friday, May 12, 2017 10:44 AM  
**To:** 'Morgan - CDPHE, Kelly' <kelly.morgan@state.co.us>  
**Subject:** QNCR discussion for next Thursday

Hi Kelly,

In accordance with the new SRF action item regarding timely and appropriate enforcement, we need to discuss the QNCR during the next quarterly meeting here next Thursday. It doesn't expand the subset of facilities subject to review (still just SNC, as specified in the PPA), but we should talk about the status of review/escalation/return to compliance.

There are 15 facilities in SNC on the second quarter QNCR, which we ran last week after the second-to-last RNC prior to it going final (I think I said that right). I have attached that QNCR and list the 15 facilities here with some pointed questions to facilitate our conversation Thursday. No need to prepare/send me anything in writing, although if it helps the conversation you are certainly welcome to bring something. Whatever is easiest for you. The main point of this new format is to ensure that EPA is asking, and getting answers to, the right questions to ensure that escalation of noncompliance is happening where it really needs to.

Thanks a lot, and let me know if you want to discuss anything before the meeting.

Mike

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Notes from 5/18/2017 Quarterly Call (conversation with Kelly Morgan) are in red.

Cherokee Metro District – I understand that final construction is not set to be complete until 2022. Is that still the case, and should we expect to see the TDS violations continue until then?

Groundwater discharge – should this be revised in ICIS to keep it off the QNCR/NPDES radar?

\*Ask the above question to Josie/Bill

Del Norte – BOD hits. Is the 2008 order still open? Given how old that order is, one might not expect that its terms would address new BOD exceedances.

Consent order to be final soon, which will close out the 2008 order

Evans WWTF – Oct. and Jan. BOD hits. Construction of new facilities was to commence August 2016. Is that happening?  
Spring 2018 construction to be complete

Longmont WWTF – Report on completion of required work on facility on-site construction was due Nov. 2016. Status of that report?

Compliance advisory will address the missing report

Pueblo West Metro District – An earlier QNCR status report from Mike said that the facility is unable to meet its new limit – Selenium, copper, zinc, not sure which parameter because there are no hits in ECHO. But the facility could not achieve the schedule event for final compliance.

Compliance advisory will address the final compliance report

Regional WWTF (CO0041840) – New to QNCR with a total arsenic hit in the second quarter.

Reporting error – facility's data was not accurate, will be corrected via compliance advisory

Rocky Ford WWTF – Were the three missing DMRs from 2015-2016 ever received?

Monitoring being done, pending enforcement settlement, will have corrective actions and penalty

Steamboat Springs WWTF – Has the January DMR for monitoring only at 100-1 been received?

Wrong form used to submit data – state error, will be fixed

Sterling – Has the Oct 2016 DMR for monitoring only at 300-1 been received? Also, facility was to commence required construction pending Division approval of final design. Has this not happened?

Cannot meet limits or its milestone for final design in permit. Will be considered for enforcement

Vista WWTF – Have the Oct-Nov 2016 DMRs for monitoring only at 300-1 been received?

Violations valid and not likely to recur

Woodmen Hills Metro District – Explanation for why facility is failing WET And BOD in 2015-2016 despite the 2015 enforcement action? Is there a time lag here in returning to compliance?

2018 expected final date for return to compliance

Erie North WRF – Mike Harris reported last year that the rolling average keeps coming down, but the facility is still exceeding it. Why does the state not enforce against this limit?

Plant expansion will likely address the violations.

Fort Morgan Western Sugar – What is the status of negotiation of new terms in the consent decree?

Becoming more complicated, Kelly not convinced the zero-discharge scheme will work

Air division considering enforcement

Third party to evaluate solidity of company's plans

London Water Tunnel – What is the status of the purchase/sale of the mine and ensuing treatment upgrades?

Purchase agreement executed fall 2016, doing in situ mine treatment, will need to establish a site-specific standard with WQS group.

Emilio – might review the enforcement action to say it was a valid addressing action under the NEI

Seneca Mine Complex – My interpretation of the last QNCR report from Mike was that the March 2016 sampling at monitoring points 3 and 5 were completed but that there was a miscommunication by new personnel at the facility. Can this violation therefore be resolved manually if the monitoring data was received?

Also on industrial NEI. Not going to take state action b/c one-off violation.

Emilio will look at this one too under the NEI

Michael Boeglin

Water Enforcement Program

U.S. EPA Region 8

303-312-6250



COX048348 - Cherokee Metro District – *I understand that final construction is not set to be complete until 2022. Is that still the case, and should we expect to see the TDS violations continue until then?*

Yes- note, this is a groundwater discharge

CO0020281 - Del Norte – *BOD hits. Is the 2008 order still open? Given how old that order is, one might not expect that its terms would address new BOD exceedances.*

The Division and the Town recently reached a settlement agreement regarding the 2008 order. The Division is currently drafting a Compliance Order on Consent and a Penalty Order for the Town. The recent BOD exceedances observed at the end of 2016 and early 2017 were believed to be a result of lagoon treatment efficiencies struggling in cold weather. As the ambient temperatures rose, the facility began to return to compliance. The April 2017 DMR contained no effluent exceedances. The Town attempted to adjust the treatment by adding extra bioscrubber in the hopes of boosting the biological life in the plant. The Division will complete the Compliance Order on Consent and Penalty Order, and will continue to monitor compliance going forward. If concerns are not adequately addressed by the Compliance Order on Consent, the Division will escalate any non-compliance through enforcement as necessary and issue a new Notice of Violation / Cease and Desist Order if warranted.

CO0020508 - Evans WWTF – *Oct. and Jan. BOD hits. Construction of new facilities was to commence August 2016. Is that happening?*

In a letter dated August 19, 2016, the City of Evans stated construction of the new BNR Consolidated WWTP had begun. In a March 1, 2017, letter the City provided an update on progress with the project and construction for the new lift station portion of the project has also begun. The City is making timely progress and at this point is still stating the construction completion will be achieved in Spring 2018.

CO0026671 - Longmont WWTF – *Report on completion of required work on facility on-site construction was due Nov. 2016. Status of that report?*

A compliance advisory for the compliance schedule, Activities to Meet Total Ammonia, milestone for Complete Required Work or On-Site Construction, due 11/30/2016 was sent on April 21, 2017. To date the Division has not yet received a response to the compliance advisory. While failure to submit the notification is a violation of the Permit, data suggests the facility is able to meet the ammonia limits that took effect on December 1, 2016. The Division will continue to monitor the facility's effluent data and escalate any exceedances accordingly. Additionally, the Division will attempt to obtain a response/report from the facility certifying construction complete or that no construction was necessary to meet the now effective effluent limits.

CO0040789 - Pueblo West Metro District – *An earlier QNCR status report from Mike said that the facility is unable to meet its new limit – Selenium, copper, zinc, not sure which parameter because there are no hits in ECHO. But the facility could not achieve the schedule event for final compliance.*

In the current permit, effective October 1, 2014, the limits for selenium, copper, and zinc are report only. As a result, the facility is not in violation of the permit for selenium, copper, or zinc. The current permit has a compliance schedule for cadmium, for which the limit took effect on October 1, 2015. The facility has not submitted the final study results to show compliance has been attained with the final cadmium limitations which was due September 30, 2015; however, there are no violations since the limit took effect. The Division will contact the facility and obtain the study results from the facility in order to close the compliance schedule in ICIS.

Regional WWTF (CO0041840) – *New to QNCR with a total arsenic hit in the second quarter.*

The January 2017 DMR reported <0.5 µg/L and the February 2017 DMR reported <0.9 µg/L. The limit is 0.076 µg/L, the data likely should have been reported as BDL (below detectable level). However, the March 2017 DMR reported 1.1 µg/L which does exceed the permit limit. The Division sent a compliance advisory for the January 2017 DMR on March 17, 2017, for the February 2017 DMR on April 28, 2017, and will be sending a



compliance advisory for the March 2017 DMR by May 26, 2017. If the facility has not responded to any of the compliance advisories, the Division will escalate the effluent violations accordingly.

**CO0023850 - Rocky Ford WWTF** – *Were the three missing DMRs from 2015-2016 ever received?*

The August and July 2016 DMRs for outfall UST1-A were received on time. However, UST1-A is the DMR for instream temperature monitoring. A cover letter was attached to the DMRs stating the in stream monitoring equipment was not installed until September 15, 2016. The permit required the installation of the monitoring equipment to be completed by April 30, 2016. To date the Division has not received the April 2015 DMRs from the Town of Rocky Ford. The Division has nearly completed the penalty calculation for the open enforcement action against the Town and intends to begin settlement negotiations soon. The delinquent DMRs and failure to install the instream temperature monitoring equipment are among the violations included in the penalty calculation.

**CO0020834 - Steamboat Springs WWTF** – *Has the January DMR for monitoring only at 100-1 been received?*

As a result of permit coding errors in ICIS, the facility was not able to enter the newly required data on the DMRs for the permit which took effect on January 1, 2017. The facility submitted data on their old DMRs with a cover letter stating that all monitoring was conducted and there were no exceedances of the Permit. The coding issue was resolved on April 24, 2017. A compliance advisory for the January and February 2017 missing data was sent dated May 12, 2017. The Division will follow up with the facility to ensure the data collected is received.

**CO0026247 - Sterling** – *Has the Oct 2016 DMR for monitoring only at 300-1 been received? Also, facility was to commence required construction pending Division approval of final design. Has this not happened?*

The October 2016 influent DMR (300-I) has been received by the Division. With regards to the compliance schedule for Activities to Meet T.I.N. Final Limits - Commence Required Work of Construction, the Division sent a compliance advisory dated April 21, 2017, regarding the milestone due date of October 31, 2016. The Division received a response from the City of Sterling on May 4, 2017, stating the milestone would not be met. The letter stated, "Completing preliminary design of the recommended improvements, obtaining Site Location Approval, completing final design, obtaining design approval, and constructing the recommended improvements is expected to take between three (3) and four (4) years and cost approximately \$30,000,000. These improvements will not be complete until 2020 or 2021 even if everything proceeds smoothly, therefore the T.I.N. permit compliance date of October 31, 2017 will not be met." The current permit for the City of Sterling was administratively continued upon the permit expiration on February 28, 2017, and therefore the City is unable to request an extension to the current compliance schedule through a permit modification. The Division is currently evaluating the issues surrounding this compliance schedule and examining what the best enforcement path will be concerning this facility. The Division intends to have discussions with the facility to learn why action regarding the compliance schedule was not taken prior to the milestone due date and expiration of the permit if the knowledge that an additional three to four years were going to be required for the project needed to meet final T.I.N. limits.

**CO0031755 - Vista WWTF** – *Have the Oct-Nov 2016 DMRs for monitoring only at 300-1 been received?*

The facility contacted the Division prior to completing the October 2016 DMR to notify the Division the flow meters went down. The facility did not have back up flow meters and as a result was not able to report certain parameters. The facility has since corrected the issue. The October and November 2016 DMRs are valid violations as a result of equipment failure. The division does not intend to take action at this time.

**CO0047091 - Woodmen Hills Metro District** – *Explanation for why facility is failing WET And BOD in 2015-2016 despite the 2015 enforcement action? Is there a time lag here in returning to compliance?*

Per the Compliance Order on Consent issued 3/12/15, a long term compliance schedule was agreed upon so that a new mechanical treatment plant will be completed in 2018. So far, Woodmen Hills has met all the compliance requirements set forth in the Compliance Order on Consent. In addition, Woodmen Hills has



attempted and completed several interim measures to optimize the current treatment system. That said, given the constraints associated with Woodmen Hills' current lagoon system, consistent compliance will remain difficult until the new treatment plant can be completed.

CO0048445 - Erie North WRF – *Mike Harris reported last year that the rolling average keeps coming down, but the facility is still exceeding it. Why does the state not enforce against this limit?*

The facility had been making progress in lowering the 2-Year Rolling Average for copper, but recently struggled to continue that trend in the warmer months. Looking back to January 1, 2011, the facility has not exceeded the copper limits for the 30-Day Average or the Daily Maximum. The current permit took effect on February 1, 2011 and was administratively continued following its expiration on January 31, 2016. The facility had requested to modify the permit, unfortunately due to the admin continued status of the permit, that is not an option for the Town of Erie at present. The Town received new preliminary effluent limits (PELs) on June 2, 2016, which eliminate the requirement for the 2-Year Rolling Average for copper. The Town is currently working on a plant expansion project and has requested the new PELs be incorporated into the permit renewal. In addition to the plant expansion project, the Town has contacted a consultant to begin a corrosion control study in a continuing effort to minimize the amount of copper entering the facility through the drinking water system. As a result of the Town is diligently working to minimize influent copper, the Town's current expansion project, the new PELs eliminating the 2-Year Rolling Average for copper requirement, and the Division's backlog for permit renewals resulting from a lack of funding/resources; the Division has not escalated the rolling average copper exceedances in this case to a formal enforcement action. The Division will continue to monitor the Town and expect updates on the progress of both the expansion project and the corrosion control study. If warranted in the future, the Division will escalate the need for enforcement for the Erie North Water Reclamation Facility.

CO0041351 - Fort Morgan Western Sugar – *What is the status of negotiation of new terms in the consent decree?*

We are waiting to hear back from WS on our draft.

CO0038334 - London Water Tunnel - *What is the status of the purchase/sale of the mine and ensuing treatment upgrades?*

The purchase/ sale agreement was executed in fall 2016. The WQCD and other relevant parties entered into a settlement agreement in August 2016 that resolved previous violations and outlines a schedule for MineWater to implement in-situ treatment (done) and seek a site specific standard (if needed) to achieve compliance with the permit by 9/30/2018. The permit will remain admin continued until that time. Effluent data looks promising.

CO0000221 - Seneca Mine Complex – *My interpretation of the last QNCR report from Mike was that the March 2016 sampling at monitoring points 3 and 5 were completed but that there was a miscommunication by new personnel at the facility. Can this violation therefore be resolved manually if the monitoring data was received?*

Monitoring was not conducted. Traditionally our practice was to manually resolve violations such as this that hadn't re-occurred in a 6 month period, however we have been instructed by EPA to not manually resolve violations.





## Boeglin, Michael

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**From:** Morgan - CDPHE, Kelly <kelly.morgan@state.co.us>  
**Sent:** Wednesday, May 17, 2017 4:43 PM  
**To:** Boeglin, Michael; Greg Naugle - CDPHE; Moore, Nathan; Garcia, Al; DeVolin - CDPHE, Chad; Scott - CDPHE, Erin; DeJong, Stephanie; Llamozas, Emilio; Rathbone, Colleen  
**Subject:** Re: EPA-CDPHE oversight meeting agenda for Thursday  
**Attachments:** 1Q 2017 annotations.docx; DRAFT SEV Data Entry and Mgmt Process (2017).docx

See the attached QNCR annotations and the SEV data entry draft process for our discussion tomorrow.

Thanks  
Kelly

On Wed, May 17, 2017 at 8:25 AM, Boeglin, Michael <[Boeglin.Michael@epa.gov](mailto:Boeglin.Michael@epa.gov)> wrote:

Greetings everyone,

Attached please find an agenda for our quarterly meeting tomorrow, scheduled for 9-11am in the Columbine room at EPA. Note also the conference line number for our remote callers, [866-299-9141](tel:866-299-9141) code 88211520.

CDPHE, if you have any additional items to add, please either let me know or bring them to the meeting.

Thanks!

Michael Boeglin

Water Enforcement Program

U.S. EPA Region 8

[303-312-6250](tel:303-312-6250)

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**Kelly Morgan**  
Enforcement Unit Manager



**COLORADO**  
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Department of Public Health & Environment

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24-hr Environmental Release/Incident Report Line: 1.877.518.5608

## Boeglin, Michael

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**From:** Boeglin, Michael  
**Sent:** Friday, May 12, 2017 10:44 AM  
**To:** Morgan - CDPHE, Kelly  
**Subject:** QNCR discussion for next Thursday  
**Attachments:** CO State Majors QNCR Coordinators with Detailed NODI.pdf

Hi Kelly,

In accordance with the new SRF action item regarding timely and appropriate enforcement, we need to discuss the QNCR during the next quarterly meeting here next Thursday. It doesn't expand the subset of facilities subject to review (still just SNC, as specified in the PPA), but we should talk about the status of review/escalation/return to compliance.

There are 15 facilities in SNC on the second quarter QNCR, which we ran last week after the second-to-last RNC prior to it going final (I think I said that right). I have attached that QNCR and list the 15 facilities here with some pointed questions to facilitate our conversation Thursday. No need to prepare/send me anything in writing, although if it helps the conversation you are certainly welcome to bring something. Whatever is easiest for you. The main point of this new format is to ensure that EPA is asking, and getting answers to, the right questions to ensure that escalation of noncompliance is happening where it really needs to.

Thanks a lot, and let me know if you want to discuss anything before the meeting.

Mike

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Cherokee Metro District – I understand that final construction is not set to be complete until 2022. Is that still the case, and should we expect to see the TDS violations continue until then?

Del Norte – BOD hits. Is the 2008 order still open? Given how old that order is, one might not expect that its terms would address new BOD exceedances.

Evans WWTF – Oct. and Jan. BOD hits. Construction of new facilities was to commence August 2016. Is that happening?

Longmont WWTF – Report on completion of required work on facility on-site construction was due Nov. 2016. Status of that report?

Pueblo West Metro District – An earlier QNCR status report from Mike said that the facility is unable to meet its new limit – Selenium, copper, zinc, not sure which parameter because there are no hits in ECHO. But the facility could not achieve the schedule event for final compliance.

Regional WWTF (CO0041840) – New to QNCR with a total arsenic hit in the second quarter.

Rocky Ford WWTF – Were the three missing DMRs from 2015-2016 ever received?

Steamboat Springs WWTF – Has the January DMR for monitoring only at 100-1 been received?

Sterling – Has the Oct 2016 DMR for monitoring only at 300-1 been received? Also, facility was to commence required construction pending Division approval of final design. Has this not happened?

Vista WWTF – Have the Oct-Nov 2016 DMRs for monitoring only at 300-1 been received?

Woodmen Hills Metro District – Explanation for why facility is failing WET And BOD in 2015-2016 despite the 2015 enforcement action? Is there a time lag here in returning to compliance?

Erie North WRF – Mike Harris reported last year that the rolling average keeps coming down, but the facility is still exceeding it. Why does the state not enforce against this limit?

Fort Morgan Western Sugar – What is the status of negotiation of new terms in the consent decree?

London Water Tunnel – What is the status of the purchase/sale of the mine and ensuing treatment upgrades?

Seneca Mine Complex – My interpretation of the last QNCR report from Mike was that the March 2016 sampling at monitoring points 3 and 5 were completed but that there was a miscommunication by new personnel at the facility. Can this violation therefore be resolved manually if the monitoring data was received?

Michael Boeglin  
Water Enforcement Program  
U.S. EPA Region 8  
303-312-6250



## Boeglin, Michael

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**From:** Boeglin, Michael  
**Sent:** Tuesday, December 6, 2016 7:35 AM  
**To:** Morgan - CDPHE, Kelly  
**Subject:** QNCR for 4th Quarter FY16  
**Attachments:** CO Majors QNCR Coordinators.pdf

Hi Kelly,

I reviewed the final QNCR for the July-September quarter. Looking at those facilities designated SNC versus the explanations provided in the past by Mike, I found only three facilities for which an explanation is due. The QNCR is attached.

Thanks in advance for the comments.

Mike

- Brighton WWTF – C40 – Need to complete required work or on-site construction
- CDOT – D80 – Entire DMR overdue for the December 2015 monitoring date
- Fort Carson CO0021181 – D80 – Entire DMR overdue for the May 2016 monitoring date

Michael Boeglin  
Water Enforcement Program  
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## Boeglin, Michael

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**From:** Harris - CDPHE, Mike <michael.harris@state.co.us>  
**Sent:** Wednesday, June 29, 2016 9:37 AM  
**To:** Boeglin, Michael  
**Subject:** Re: QNCR for 2nd Qtr FY16 (Jan-Mar)  
**Attachments:** removed.txt; Colorado QNCR 2nd Qtr 2016 Annotations.pdf

Mike,

The report is now attached. Thanks...

Mike Harris, Manager  
Clean Water Enforcement Unit



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On Wed, Jun 29, 2016 at 7:27 AM, Boeglin, Michael <[Boeglin.Michael@epa.gov](mailto:Boeglin.Michael@epa.gov)> wrote:

No problem, Mike. Thanks for the note.

Mike

**From:** Harris - CDPHE, Mike [<mailto:michael.harris@state.co.us>]  
**Sent:** Tuesday, June 28, 2016 2:14 PM  
**To:** Boeglin, Michael <[Boeglin.Michael@epa.gov](mailto:Boeglin.Michael@epa.gov)>  
**Subject:** Re: QNCR for 2nd Qtr FY16 (Jan-Mar)

Mike,

Sorry about the delay. We are almost done with this. I asked staff to complete their comments by June 15th but then I decided to go on vacation from the 16th-26th so I just need a couple more days to review and finalize. Thanks for your patience.

Mike Harris, Manager

Clean Water Enforcement Unit



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On Wed, Jun 1, 2016 at 8:36 AM, Boeglin, Michael <[Boeglin.Michael@epa.gov](mailto:Boeglin.Michael@epa.gov)> wrote:

Yes, you're right. You made the same point with the last QNCR, and I apologize for overlooking that point. Going forward as you stated would leave out the several facilities with an 'N' status code (and maybe others), which is fine.

Thanks,

Mike

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**From:** Harris - CDPHE, Mike <[michael.harris@state.co.us](mailto:michael.harris@state.co.us)>

**Sent:** Wednesday, June 1, 2016 7:31:11 AM

**To:** Boeglin, Michael

**Subject:** Re: QNCR for 2nd Qtr FY16 (Jan-Mar)

Hi Mike,

The PPA commitment is that the Division will provide an explanation on facilities listed as SNC on the QNCR. Those would be Permit RNC Status codes D, E, S, T and X. For us to draft a narrative on every facility listed as "noncompliant" would be a much more burdensome undertaking. The Division would prefer to remain consistent with the PPA commitment. Does that still work for EPA?



Thanks,

Mike Harris, Manager

Clean Water Enforcement Unit



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On Wed, Jun 1, 2016 at 7:11 AM, Boeglin, Michael <Boeglin.Michael@epa.gov> wrote:

Hi Mike,

I realize I am about a month behind in sending you this QNCR for 2nd quarter. It looks like a lot of the same facilities as the last QNCR, but there are also some new ones. For the facilities marked "noncompliant," can you do as you did last time with notes on status? You don't have to address the facilities for which you provided notes last quarter if the status has not changed.

Regards,

Mike



## Boeglin, Michael

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**From:** Boeglin, Michael  
**Sent:** Wednesday, June 1, 2016 7:12 AM  
**To:** Harris - CDPHE, Mike  
**Subject:** QNCR for 2nd Qtr FY16 (Jan-Mar)  
**Attachments:** CO Majors QNCR Coordinators.pdf

Hi Mike,

I realize I am about a month behind in sending you this QNCR for 2nd quarter. It looks like a lot of the same facilities as the last QNCR, but there are also some new ones. For the facilities marked "noncompliant," can you do as you did last time with notes on status? You don't have to address the facilities for which you provided notes last quarter if the status has not changed.

Regards,  
Mike



## Boeglin, Michael

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**From:** Harris - CDPHE, Mike <michael.harris@state.co.us>  
**Sent:** Wednesday, March 23, 2016 12:48 PM  
**To:** Boeglin, Michael  
**Cc:** Moore - CDPHE, Nathan; DeVolin - CDPHE, Chad; Naugle - CDPHE, Greg; rik.gay@state.co.us  
**Subject:** Re: request for inventory of informal enforcement actions in FY15  
**Attachments:** Informal Actions FY15.xlsx; Compliance oversight calendar 2015.docx

Mike,

Attached is a list/spreadsheet of compliance advisories that were sent by the CW Enforcement Unit. Please note that in Aug-Sep 2015 we changed our process to have ICIS generate DMR delinquency and deficiency letters, so a list of these letters is not available in spreadsheet format; however, copies of those letters can be provided in pdf format if EPA desires.

Also, a couple tidbits on the Unit's standard process:

- If the violating facility submits a letter explaining the violation and if that explanation is adequate, the Unit does not send a compliance advisory for routine, non-significant violations.
- A compliance advisory is sent for all SNC violations, regardless of whether we received an explanation letter.
- DMR delinquency/deficiency violations are reviewed on a monthly basis and compliance advisories sent.
- Effluent violations by majors and industrial individuals are reviewed on a monthly basis with compliance advisories sent.
- Effluent violations by minor domestics and industrial generals are reviewed quarterly with compliance advisories sent.
- Compliance schedule and ORC (operator-in-responsible-charge) violations are reviewed tri-annually (every four months) with compliance advisories sent.

I have attached the Unit's compliance oversight calendar for 2015 as an example of how we schedule the review of violations and issuance of letters.

Let me know if you need anything else.

Mike Harris, Manager  
Clean Water Enforcement Unit



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On Tue, Mar 22, 2016 at 1:59 PM, Boeglin, Michael <[Boeglin.Michael@epa.gov](mailto:Boeglin.Michael@epa.gov)> wrote:

Gentlemen,

I am assembling all the data in ICIS that characterizes CDPHE's NPDES compliance and enforcement activities in FY15, which will enable me to select files for the SRF review next month that are representative of your work. One category of information not present in ICIS is informal enforcement actions, including but not limited to compliance advisories and violation letters. I understand that all of you track those advisories/letters locally within your own programs.

Would you please share with me a list of all informal enforcement actions that your program has issued to facilities subject to the NPDES components of your clean water law, during the period October 1, 2014 through September 30, 2015? The inventory/list needs to specify facility name, program ID, and date issued for each item on the list.

I know this is short notice, but can you produce these lists by Monday, if possible? Let me know if that's a problem. My goal is to generate a file selection list for you all by the beginning of April.

Thanks a lot,

Mike

Michael Boeglin

Water Enforcement Program

U.S. EPA Region 8

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